THE FISH COMMISSION.

PRACTICAL RESULTS OF ITS WORK. LABOR QUANTILIES OF FOOD FISH DISTRIBUTED-THE PEOPAGATION OF CASP. SHAD, SALMON. COD, OYSTERS, WHITEFISH AND CHAR.

INTTELEGRAPH TO THE PRIBUNE. Washington, Nov. 26 .- That branch of the work of the United States Fish Commission in which people in general take the greatest interest, mainly because it yields the most immediate and practical results, is that which comprises the propagation and distribution among the lakes, ponds and rivers of the country of valuable tood fishes.

A TRIBUNG correspondent obtained this week from Professor Spencer F. Baard, the distinguished head of the Fish Commission, some interesting facts in relation to that division of the work above mentioned. For his services as Commissioner, extending over a period of ten years, Professor Baird has not received one dollar from the public Treasury; and the office where he works seven or eight hours a day, and which contains the voluminous archives of the Commission, is a portion of his own residence, for which the Government pays no rent. Professor Baird exhibited a series of maps of the several States and Territories en a large scale. On each map were a number of trangular characters which show the places where the German carp has been sent to stock the ponds of individuals. The same maps show the number of fish sent to each place and also the places from which applications have been received, but not yet filled. The maps of every State and of several of the Territories are dotted more or less thickly with these characters, and show that the interest in the cultivation of and the demand for this very valuable fish is general and widespread.

"No doubt," said Professor Baird, " there will be many more applications made for carp next year, but we shall be able to supply this season all whose applications have already been received. In two or three years the fish first distributed will begin to breed and will thus furnish many hundred new centres from which an inexhaustable supply of young fish can be obtained to stock the ponds of every State."

From the product of 130 German carp, imported three years ago, about 3,000 pands will have been stocked before the end of the present year with a sufficient number for breeding purposes. On Monday last young fish were sent to fill all applications from Delaware, Tennessee and South Carolina. The States remaining to be supplied are Alabama, Louisiana, Mississippi and Texas, and a car-load will soon be sent to each.

Professor Baird says that at three years of age the German earp will average four or five pounds in weight and are in their prime.

PROPAGATING SHAD.

The fish that has been most extensively and widely distributed by the Commission is the shad. Since the artificial propagation of this fish was begun 65,000,000 to 75,000,000 of the young have been distributed, and the number to be sent out the coming season will be three times as great as ever in any one year heretofore. The steamer Fish Hawk will spend the coming winter on the coast of Georgia, occupied in the hatching of young shad, and Professor Baird expects that next season the ship ment of young fish of this variety to different localities will be made by the car-load. A car is now being built for this special service, and will be provided with every requisite for the safe transportation of the miniature fish. Other cars of the same sort will be built as necessity may demand.

Professor Band says that the rivers of the Pacific coast have been so well stocked with shad through the efforts of the Commission that the work there may almost be regarded as finished. California has enacted stringent laws for the protection of her fisheries, and Professor Baird thinks that with the protection thus afforded the shad will be able to hold their own in the waters of that State. In the States east of the Rocky Mountains the shad have been placed in nearly every river in which they can be expected to thrive. They are now regularly caught in the Ohio River at Louisville and other places; and are quite abundant in many streams where they were unknown until after the operations of the Commission and been begun. Several rivers in which the shad had been nearly exterminated have been restocked, and the yearly catch is constantly increasing. In the course of the present year an agent of the Commission has visited every stream stocked with shad from the Alabama River to New-England, in the spawning season, to study the habits of those fish, and to ascertain, if possible, the reasons why they are more abundant or less plentiful in different years.

Much effort has been devoted to the hatching and distribution of the eggs of salmon. In 1874 the first experiment to ascertain whether the salmon of the Pacific coast would thrive in Eastern waters was made, and in 1876 the success of the experiments was fully demonstrated. A salmon batching station has been established on the McCloud River in Cali fornia, and several millic of eggs have already been distributed in the Eastern States. When the Commission began the propagation and distribution

the Atlantic salmon, that fish was not taken in any quanties south of the Connecticut River. It is now found in considerable abundance in the Hudson, the Delaware, and the Susquehanna Rivers, and the success in stocking these streams is undoubted. There are hopes of extending its range still further south.

The hatching station of the Atlantic salmon is at Bucksport, Maine. The distribution of the eggs of this fish during the present season will amount to about 2,000,000. The hatching establishment of the land-locked salmon is on Grand Lake stream. Maine. Numerous small lakes throughout the Northern States have been stocked with this valuable fish and the distribution is being continued yearly on a growing scale.

HATCHING SALMON AND COD.

The process of incubation of salmon eggs is not completed at the hatching stations of the Commismission, but when it has reached a certain stage of advancement the eggs are packed and sent to the places where the young fish are needed. The whole process of hatching the eggs of this fish occupies three or four months, while that of the eggs of shad covers only five or six days.

The experiments made in the artificial hatching of codfish at Gioucester, several years ago, were a complete success. Owing to certain unfavorable local conditions at Gloucester the work was not continued at that place. A station has now been catablished for the same purpose at Wood's Hall, on Cape Ann, where preparations have been made for extensive operations during the coming winter. Many improvements have been made in the apparatos for batching the codfish, and great results are confidently expected.

Professor Baird says that American fishermer take about 150,000,000 codfish each year. The average weight of these fish, at four years of age, is about ten pounds each. Nine million eggs have been taken from a single female fish of that species, and Professor Baird says it is a poor fish indeed that does not yield 1,590,000 eggs. Even at that rate 100 female codfish alone will yield each year a quantity of eggs equal in number to the whole number of codfish taken Professor Baird, therefore, knows no reason why American waters may not be so abundantly stocked that our fishermen will not be obliged to seek this fish elsewhere. Canadian authorities have already turned their attention to this new American enter prise, and have begun to make inquiries with a view to engaging in the same work themselves.

The sea herring multiply with as great rapidity as the codfish and their artificial propagation is a work of very little difficulty. At Gloucester, Mass, many millions of this fish have been hatched and turned into the sea by the Commission.

Some experiments have been made, with fairly successful results, in the artificial propagation of the common mackerel. Although the work is somewhat more difficult and precarious than that of hatching codfish, Professor Baird is confident that it will be entirely practicable when once properly systematized. Experiments have also been made this year in the artificial propagation of the Spanish neackeret, the spawning grounds of which fish were discovered within a year at the entrance to Chesa-peake Bay. While the experiments undertaken peake Bay. While the experiments undertaken thus far have been only preliminary, they have both terms he was a member of the Committees on sufficiently demonstrated that this favorite food Canals and Public Buildings. In 1873 Mr. Thayer was

fish can be propagated as easily and success ully

EXPERIMENTING WITH THE OYSTER. A very important series of experiments in the artificial propagation of the cyster is now in progress. These experiments have already determined one important fact, which may indeed be called a discovery

These experiments have already determined one important fact, which may indeed be called a discovery. It has been found that artificial impregnation of overters, as well as of fish, is entirely practicable. Major Ferguson, who is at the hard of the Maryland Fish Commission, and is also one of Professor Baird's assistants, is now having constructed under his direction as "oyster park" near Point Lookout on Chesapeake Bay. This park will bear a general resemblance to those in France, but artificial propagation, which has not been tried in that country, will be resorted to here.

The "oyster spat" is very lively. The extremely young oyster is described by Professor Baird as a capricious animal, as mubble as a shrimp and lively as a flea. Its activity is unceasing, and it never stops swimming tutil it finds contact with something to which it can ching, when it at once settles down for lite. If this does not happen early in its career the young oyster, or a storm which drives the young to sea, are also fruitful causes of infant mortality among oysters. To prevent these fatalities as far as possible, dyster pariks are designed. A place on the seasiner is selected, dikes are built and gates are so adjusted that the parks can be flooded to any required depth with sea-water, which can be drawn off when desired. The bettoms of these ponds are covered with clean bricks, tales, or oyster shells, and sometimes the branches of pine and other trees are planted at intervals. In these artificial ponds the parent oysters are deposited. When the young oysters appear they are safe from the dangers when would surround them elsewhere, and they soon find resting places.

Professor Baird assured The Tribune correspond-

which would surround them elsewhere, and they which would surround them elsewhere, and they soon find resting places.

Professor Bairo assured The Tribune correspondent that in all probability a large part of the shores of Chesapeake Bay will within lifteen years be covered with oyster parks. The decadence of the ovater fisheries has for some years, attracted considerable attention, and more recently has caused grave alarm, especially in localities where the cysteriodistry is extensive. While the quantity of cysters taken each year has not materially diminished, the fact that the cyster-beds are being rapidly extaken each year has not materially diminished, the fact that the cyster-beds are being rapidly exhausted has become self-evident. Year by year the amount of capital and number of laborers employed to preduce a given quantity of cysters have increased. At the present rate the time when the native cysterbods will be practically exhausted, and the industry wholly destroyed, is not far distant, unless some artificial means to keep up the supply are adopted. Professor Baird is confident that the work begun neder the auspices of the Fish Commission will lead to results which will save the cyster trade of the United States from destruction. the United States from destruction.

WHITEFISH AND CALIFORNIA TROUT. Two species of American fresh water fish bave beca included in the work of propagation thus far undertaken by the Commission. These are the whitelish of the Upper Lakes and the California trout. For several years there have been many in dications that the whitefish were rapidly diminish ing in numbers. Many favorite fishing grounds has been abandened altogether, and at others only a lew fish were taken where formerly the supply seemed inexhaustible. Even on the distant and famous fishing grounds of Lake Superior the yearly catel lishing grounds of Lake Superior the yearly catch was rapidly dwindling, and in some scasons was almost a failure. When affairs were in this condition, and it appeared that a favorite source of food supply for the West was about to fail altogether, the Fish Commission established a station at Northville, Michigan, and began operations. The artificial propagation of the whitefish was found an easy matter, and arready about 20,000,000 of the young have been placed in the water at that place.

Formerly inducense numbers of watefish were taken in Detroit River. Professor Baird has recently received information to the effect that while very few whitefish of merchantable size were taken in that river this year, yet myriads of fish of the same species, evidently one or two years old, were

ne species, evidently one or two years old, were Several of the States bordering on the lakes have

Several of the States bordering on the lakes have stabilished Fish Commission, and these, as well as the Canadian Fish Commission, have also paid considerable attention to the propagation of whitefish. There is, therefore, a good prospect that within a limited period an abundant supply of these valuable fish will be secured and maintained. Several years ago the attention of Professor Baird was attracted to the California trout as a valuable food high. A hatching station for these fish was extablished on the McCloud River, in California, some distance from the salimon station before mentioned. Last year about 290,000 of the eggs of this fish were brought East and distributed. It is expected that

Last year about 200,000 of the eggs of this fish were brought East and distributed. It is expected that several midlom more eggs of this fish will be distributed during the coming winter. The fish resembles the Eastern speckled trout in some particular. The spots on its sides are black instead of real or yellow, and it attains a larger size than the speckled trout of the East. This fish is much more hardy than the ordinary speckled trout, and will thrive in water so warm that the latter fish would soon die if kept in it. The Calitornia trout will do well in the streams of Virginia, South Carolina, Georgia, and the Southern States generally, and will, therefore, form a valuable addition to the food fishes of the South as well as of the Middle States.

States. Besides the German carp, the only food; fish which has thus far been introduced into this country from Europe by the Commission for the purpose of propa-gation is the fish known in England as the char, a delicate fish resembling the trout. These fish spawn defleate his resembling the tront. These is a spawn in rivers and will thrive in ponds and interior lakes. As they live on the bottoms of the ponds and lakes, they can be successfully introduced in the same waters with bass and other lish which swim near

seat many salmon eggs abroad and received the char exchange. A majority of the States have established Fish

A majority of the States have established Fish Commissions, and these, besides cooperating with the United States Commission, devote much attention to the propagation and stocking of their interior waters with different species of tish.

The United States Fish Commission confines its efforts to the public waters of the country, and to the introduction of desirable food tishes from abroad—a work which individuals or States would be unlikely tanged or the country.

OBITUARY.

COMMANDER R. B. LOWRY.

Commodore Reigart B. Lowry, on the active ist of the United States Navy, was taken sick in th New-York Club Rooms last Sainrday night, and his ill ness became so serious that he was sent to the Navy Hospital, in Brooklyn, for treatment. He had been in failing health for the past three years, caused by diebetes and a gangrenous sore on the left angle joint, and his recent attack resulted in his death at the hospital Thursday afternoon. Commodore Lowry was born at the United States

Consulate, La Guayra, Venezuela, July 24, 1826. He was appointed cadet-midshipman from Pennsylvania January 21, 1840, and during the next three years was attached to the sloop Boston, in the East India Squadron, after which he was on special service on the Princeton for two years. On July 11, 1846, he was promoted to passed midshipman, while at the Naval Academy. He served during the Mexican War at Tam pico, Texpan, Vera Cruz, Tobasco, Seven Palms and Al varedo, and received a slight wound during the engagement at Texpan. He served afterward in the Mediter rances and East India Squadrons, and September 14. 1855, was promoted to licutement while attached to the frigate Powhatan. He returned from the Brazil Squadron in 1861, and was attached to the sloop Pawnee, in Charleston Harbor, when Fort Sumter was fired upon. He was also at the first engagement on the Powhatan at Acquia Creek, and while in command of the steamer Freedorn took part in the engagements at Mathias Point and other places along the Potomac. He suggested to Secretary Welles the practicability of the Hatterns expedition, and furnished a great deal of valuable information in reference to it to the Department, receiving the Secretary's thanks therefor. While executive officer of the sloop Brookiva, he participated in the Mississippi engagements under Parragut, and took part in the first attack on Vickaburg, June 39, 1862. While in command of the Seloto he opened an engagement with a rebel force of 900 men and seven pieces of artillery, October 5, 1862, at Doualdsonville, La., and caused the enemy to retreat. In the same vessel he took part in the engagement with the Galveston barteries in 1863.

He took command of the apprentice-ship Sabine in 1864. In 1866 he was promoted to commander and retained command of the Sabine until 1868, when he was ordered to the command of the flag-ship of the North Allantic Squadron for two years. Commissioned as Capinin November 2, 1871, he commanded the sloop Canandargua for two years, when he was placed in command of the navai station at New-London. His hast duty was in 1877, when he commanded the trainingship Constitution and was refleved at his own request and placed on waiting orders. He was promoted to the rank of Commodore in July last. His family consisted of a daughter and two sons, the lawer being at Shortlinge College, Pennsylvania. and other places along the Potomac. He suggested to

FRANCIS S. THAYER. TROY, N. Y., Nov. 26 .- Francis S. Thayer, of this city, formerly State Senator and Canal Auditor

died suddenly at Colorado Springs, Col., to-day. He

was a brother of J. S. Thayer, of New-York. Mr. Thayer was born in Dummerston, Windnam County, Vt., September 11, 1822. He left the Ver mont schools at the age of sixteen years, and four year slerk, and was then admitted as a partner in the bus ness which he followed thereafter, the manufacture of flour. He cast his first vote for Henry Ciay in 1844. and remained a Whig from that time until the forms tion of the Rep bilean party. He was elected to the Senate from the XIIth District as a Republican in 1867, and was reelected in 1869. During his first term be was

the Republican candidate for Secretary of State, but was defeated by Diedrich Williers, Jr. (Dem.), by 9-211 pin-rality. From April 8, 1874, until January 1, 1876, Mr. Thoyer held the office of Auditor of the Canal Depart-

SAMUEL E. CAREY. NEW-ORLEANS, Nov. 26 .- Samuel E. Carey, ceneral passenger agent of the Chicago, St Louis an New Orleans Railroad, died this morning after a short

illuss. He and been identified with Southern railway interests since 1871. He was forty-three years of age. WILLIAM SCHULTZ.

EATONVILLE, N. J., Nov. 26 .- William Schultz, one of the most respected residents of this section of the country, was found dead in a chair at his house this morning. He went to bed in good health, and is supposed to have been attacked by a fit of apeplexy. He was sixty four years old.

"FRAUDS."

THE OFFICIAL LIST OF THE M-PLANS AND PURPOSES OF THE POST OFFICE DEPARIMENT TO ERADI-

CATE THEM. At intervals of a few days the telegraph makes announcement from Washington of additions to the list of "frauds" officially declared by the Post Office Department. These announcements are usually published in the daily papers for the benefit of the general public, who are thus warned against remitting money to the persons thus denounced as frauds," but they are also intended for the information of postmasters throughout the country, who therenpon detain all letters, registered or otherwise, addressed to such persons. Of course an official formal order follows the telegraphic announcement. but usually postmasters act promptly on the latter publication, and thus save many a dollar for the dupes of the " frauds."

For several years the Department has been engaged n this work, and at the present time it has a list of 171 "frauds" to whom it denies the privilege of swindling by mail. It is adding to this list daily, and doubtless, if it had the assistance of the duped ones, it could swell the list to thousands. But it has had to depend in the past, and depends now, almost instincts of its postmasters and their subordinate carriers. Almost all those who are now on the list of "frauds" have been detected as such by carriers who have grown suspicious when called upon to deliver day after day bundreds of letters to some obscure person in a dark room without visible furniture n some dilapidated building, which shows no signs of business activity. The list down to November last may be found in The United States Official Postal Guide, and the curious in such things will find its perusal of considerable interest. Of course the largest number of "frauds" is in

New-York City. There are 71 of them, and many of these have each half a dezen aliases. There is not a single "fraud" in the State outside of New-York City except J. C. Henry & Co., alias Clarence W. Miller, at Gien's Falls, and the Long Island Shirt Company, which has had the good sense since its exposure in THE THIBUNE to abandon Brooklyn. Philadelphia was represented by six "frauds until a few days ago, when one of them, Dr. John Buchanan, with five aliases in the names of medica colleges, was sent to State Prison. Boston has only four, but one of them, L. A. Kendall, undulged in no less than fifteen aliases, each selected with a view to entrap the most cultured of Boston's citizens. He called himself the "Bay State Boston's citizens. He called himself the "Bay State Organ Company," and sold music instruments; the "Eastern Gun Works," and dealt in arms; the "Eastern Gun Works," and dealt in arms; the "Enterprise Publishing Company," the "People's Paper Publishing Company," and the "Welcome Guest," and his wked art and literature, and as the "Hub Watch Company" was a vender of bogus watches and doubtless other like jewelry. E. Ellsworth Sicurib, also of Boston, appears to have been profife of aliases of a highly "cultured" character, for he figures as the "Agents' Union," "American Book Company." "Eastern Mannfacturing Company." of alases of a highly chithren character, for in figures as the "Agents' Union," "American Bool Company," "Eastern Manufacturing Company," "Paris Novelty Company," "Royal Piano Company," "Soingraph Watch Company," Star Manufacturing Company" and six other names. There was evidently Company" and six other names. There was evidently affinity of soul, if no other connection, between Kendall and Sloeum", and both were clearly sly customers. There were no less than four in the small city of New-Bedford, Mass., all engaged in literature and music; and there are half a score of other Massachusetts towns similarly inflicted with one or more "frauds." The class seems to have been very widely diffused, for the list locates them in such small out-of-the-way hamiets as Bristol, Tenn., Elikhart, Ind., Helsten, Va., and such remote places as Cheyenne, Wyoming, Prescott, Arizona, and Roshta, Colorado. Chicago has a population of only nine "frauds"—officially speaking; but "quick and speedy divorce" lawyers are not enumerated in this class. Most of the Chiare not enumerated in this class. Most of the Chi-cago "fraucs" are agents or aliases of the Boston

The articles dealt in by these "frauds" are almost innumerable. Lotteries, of course, of which there are half a dozen, and "the greatest of these," the feit money; pianes and organs; firearms of various kinds (these seem to be favorus; articles of frauduhent traffic); sewing machines; bogus medical d plomas; stamping machines; interary publication of all soris; photographs and art works; Japane carries ties; mining stocks; stock brokerage; an shirts! There are scores of inthor swindles which i is difficult to describe in which the lesser "frauds

The laws under which the Postmaster-General The laws under which the Postmaster-General acts in excluding the mails of these persons are sections 3,929 and 4,041 of the United States Revised Statutes. One prombits the delivery to them of registered letters and the other of money orders. They read as follows; and those of The Tribunk readers who see this article can greatly facilitate the work of the department by sending to the postmaster of their respective places of residence the names of those they know or suspect to be guilty of a violation of either.

Section 3,929. The Postmaster-General may, upon evidence satisfactory to him that any person is ougaged

guilty of a violation of either.

Section 3.929. The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any transducent lottery, gitt-enterprise, or science for the distribution of money or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other science or device for obtaining money through the mails by means of takes or frantment pretences, representations or promises, institute post masters at any post offices at which registered letters arrive directed to any such person, to return all such letters to the postmasters at the post offices at which they were originally mailed, with the word "fraudment" plainly written or stamped apon the outside of such letters shall be by them returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

Section 4,041 is precisely the same as the above until the words "representations or promises" are reached, and then it adds as foliows: "Forbid the payment, by any postmaster, to any such person of any postal money-order drawn to his order or in his favor, and may provide by regulations for the return to the resultier of the sum vamed in such money-orders. But this shall not authorize any person to open any letter not addressed to himself."

The care taken in the last sentence of each to guard the sanctity of the mail in the interest of the daps prevents often the obtaining of evidence to prosecute the "frand." It is believed that it he system now employed were supplemented by the aid of the dupct persons, the "frauds" could be checked if not panished.

system now employed were supplemented by the aid of the duped persons, the "frauds" could be checked if not punished.

CALIFORNIA MINING STOCKS.

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THE BALTIMORE MARKET EXCITED.

BALTIMORE, Nov. 26 .- The Baltimore and Ohio Radroad posted a notice at the Coro and Flour Exchange to-day, that on and after December 6, 1880 the rate of extra storage on wheat at its elevators a Locust Point will be \$16 of 1 cent per bushel for five days or parts of the same, and 2% cents per bushel for each and every ten days thereafter or parts of the same The notice created commotion among operators, and wheat tell several cents per bushel. The officers of the company say that this timely notice has been given with no idea of intention whatever to obtain an increase of sevenne from storage, but simply to prevent a blockade of wheat in elevators and in several thomsand tars at this port, thus preventing a steady and regular flow of wheat from the West, and causing a lockup here.

THE COURT OF APPEALS.

ALBANY, Nov. 26 .- The Court of Appeals day calendar for Monday, November 29, 1880, is as follows Nos. 299, 298, 358, 376, 378, 380, 381, 383.

THE COURTS.

GIVING AN ACCOUNT OF HIS TRUST. HOW RAILWAY GRANTS WERE OBTAINED FROM THE MEXICAN GOVERNMENT-THEIR DISPUTED OWN-ER-HIP. An important motion in a suit in which

tepec Railway Company, Edward Learnes, the Tehnansee Interocean Rairoad Company and others are defendants, was argued yesterday before Justice Donothe Chambers of the hue. In In November, 1868, the Tehuan-Court. tepec Railway Company was incorporated in Vermont by a company organized by Emilio La Lere, under a decree of the Republic of Mexico. granting authority to the company to open communication between the Atlantic and Pacific Oceans across the Isthmus of Tehnantepec. It was to improve certain rivers and then connect them by a raitroad line. The franchises under the decree were to continue for seventy years. Ac cording to the statement of the plaintiff's counsel in court yesterday, three of the defendants, Messrs, Learned, Babcock and Quintard, made an arrangement with the plaintiffs by which become the trustees these three men should of a syndicate composed of all the controlling persons. These trustees were to hold the stock of the Tehnantapec Railway Company for the benefit of the syndicate in certain proportions, they were to obtain added powers and franchises from the Mexican Government, and, it short, were to do the executive work of the syndicate in energing out the railroad scheme. As presiden the company and chairman of the Board of Trustees, Mr. Learned employed agents to secure added grants from the Mexican Govern ment, and these agents had his name inserted in the grants in place of the Tehuantepee Railway Company. The plaintiffs claimed, further, that Mr. Learned, instead of transferring his grant to the Tehuantepee Railway Company or to any persons representing the syndicate, conveyed it to a Massachuseits certoriation called the Tehuant pee Interocean Railway Company, which he had organized without the consent of the syndicate, and the pinnings were excluded from the unfall of the arrangements. The motion arrand yesterday was to prevent the carryine out of this transfer. Voluminous allidavits of Mr. Learned in reply set up that the rights obtained by the above named agons from the Mexican Government were granted to Mr. Learned himself in his own hamo anthorizing him, or such company as he should organize, to construct and operate the railroad and telegraph ine provided for by the grant. The grant required the deposit of \$100,000. He reported to the members of the syndicate and it was agreed that if he assumed the responsibility of the Scheme he should have the conduct of it. The Tehuantepee Interocean Railroad Company was organized by him to receive too benefits of the grant. Certailcates of interest in the associate Traisices have been issued, enauting the holders to convert no some into first mortrace boads of the railroad company. The company of New York to secure the payment of missen of \$6,000,000 of first mortrace too got, and such bonds are now really to be Issued. Over \$400,000 has been raised and applied to the presecution of the catter ment, and these agents had his name inserted All my efforts were devoted to operating under the

"All my efforts were devoted to operating under the old grant until all parties tourd that line of action impossible. Then, with the knowledge and approval of all parties who could be consulted, melading has obtained as Real, Smith and Forbes, the old plan was abandoned and the new one adopted."

On the affiliavies of the plaintiffs Justice Donohine recently granted a temporary injunction restraining the defendants from taking any further steps in the transfer until the case was decised. The motion vesterday was for the continuance of the injunction, and for the appointment of a receiver for the Teliannepoc Eadway Company. Decision was reserved. Shearman & Sterling represented the plaintiffs; Shekney & Shepard the defendants

BANK STOCK NOT TO BE TAXED.

The legality of taxing bank corporations ms been a much discussed question throughout this city and State during the past year, and many appeals these was decided yesterday. Suit was brought by the National Exchange Bank of Albany in the Circuit Court of the United States for the Northern Division of New-York, to restrain the Receiver of Taxes of Albany from collecting taxes imposed upon the bank for the year 1879. Judge Wallace decided in favor of the bank, on the ground that the act of 1866, under which the tax was laid, was invaild, and furnished no anthority to the assessors to assess the bank shares, because it permit bank shareholders to deduct their debts from heir assessments, the firm of Davis, McNamee & Hilton, of this city, appeared for the bank. A similar suit was begun yesterday by them in the United States Circuit Court, Southern District of New-York, on behalf of the National Bank of Commerce.

in the United States courts, it is stated, will do so immediatery, and several which have entered suits in the State courts will also begin higgstion in the Federal courts. It is held, however, that the full benefit of this decision of Judge Wallace may be secured equally decision of Judge Wallace may be secured equally well in the State contis, so far as the banks of the city are concerned. Whether the country banks will be able to take advantage of it is a question. An act was passed by the Legislature last year which went into effect June 20, 1880, and remedied the defects of the act of 1866. The accision of Judge Wallace, therefore, only affects the banks of New-York City, the assessments of widen were made before the date when the new act went into operation.

The same question has been before the Supreme Court in this city and is awaiting decision there. What effect

eeding in the State courts cannot yet be determined

LITIGATION OVER AN ELEVATED ROAD. TWO SETS OF RECEIVERS FOR A BROOKLYN COM-PANY.

In the Supreme Court in Brooklyn, yesterday, two motions were made before Judge Cooke relative to the disputed control over the Brooklyn Elevated Railway Company, which two sels of receivers contend for. The first was to show cause why Receivers Phelps and Wagstaff (who were appointed by Judge Cooke) should not be removed, and the second to show cause why the injunction preventing Receivers Lydecker and Shaffer from acting should not be removed. Counsel for the last-named receivers submitted affidavits reflecting on the business standing of Mr. Pheips, and his counsel asked an adjournment in order to prepare to nect these serious charges, and said he would show by allidavits from the best masness men of this city and Brocklyn that Mr. Phelps was above

of this city and Brookly that are theeps was hoover reproach.

Judge Cooke granted an adjournment until Thursday of next week in order that Mr. Phelpe's counsel could prepare an answer, meanwhile staying him and his associate, ex-Senator Wagstaff, from doing anything with the property of the road, except preserving it in good condition. The Judge said that it be had known how closely hir. Phelps was connected with the former management of the "wetched concern," as he described the road, he would have refrained from appointing him. was important that the enterprise should not be cked, and the streets remain encumbered with the

NOT LACHES, BUT WISE FORBEARANCE. A decision was rendered by the General Term of the Supreme Court yesterday affirming the decision of Justice Daniels reinstating General William F. Smith in the Board of Police Commissioners. Justice Barrett, who writes the opinion, says that the only real question before them was that of laches—whether General Smith had waited too long before applying for the writ of certiorari. Upon this question the opinion says: "The delay in the case at bar was properly accounted for. It is a matter of judicial history that, durin; nearly the entire period between the removal of the relator and the suing out of the writ, the question whether a certiorari would lie at all the question whether a certiorari would lie at all in such a case was being severely litizated. The writ was applied for within a very short time after the apparent determination of the question by the court of inst resort. In thus awaiting its solution before pressing forward with his suit the relator acted with discretion and consideration for all concerned. Instead of being amenable to the charge of lackes his forbearance is commendate. Certainly his rights are not to be withheld because he submitted to being kept out of them for a brief period rather than vex the Court with what might prove to be an unnecessary litigation." Willard Bartlett appeared for General Smith; Corporation Counsel Whitney for the Mayor.

CHARGED WITH FRAUD IN BUSINESS. The firm of H. Herrman & Co. was organzed a year ago, with Jacob Herrman, the father, acting as junter member, and Henry Herrman, the son, as sen for member of the firm. They made an assignment to R. J. Rosenthal September 17, 1880. They have been arrested and held in \$10,000 bail in a suit begun against them by B & N. Schleestein, charging that the assignment was fraudulent. In the complaining affldavits it is declared that the firm's liabilities of \$25,287.26 are for goods purchased just before the failure, and that the assets are less than \$2,000; that within

Underground Connecting Railway, This was done under the new law of June, 1880, permitting the action of the commissioners when approved by the Court to be taken in place of the consent of one-half the to be taken in place of the consent of one-half the property-owners along the route. The commissioners are to determine, Mr. Curtis said, whether the road ought to be allowed to be built under Broadway, in what way it could be built with the least damage and for the best use. Mr. Curtis stated the manner in which he proposed to give notice to the city and to the property-owners thy per onal service to the former and by publication to the latter) of the hearings before the commissioners. Justice Davis said that the question would be carefully considered under the new law and decision would be reserved. Aaron L. Reid and others are plaintiffs, and the Tehuan-

FIRM BELUEF IN MR. ALLIGER.

In the trial of Elijah Alliger yesterday the defence rested its case without putting the defendant on the stand. A. G. Constable, A. M. Kirby, C. A. Purdy and J. R. Douglas testified that they had known the lefendant for years, and that his character was good. Mr. Constable said that he had so much faith in Alliger that he had made him a trustee to his will. Richard Fennessy, a bartender, said he had seen Alliser and Boughton together on many occasions. W. H. Miller, formerly in Al Iger's employ, testified that the defendant and Boughton had auxiliess transactions together. A. Kingu and, an insurance agent, and that he, Aliger and Boughton were at one time directors in the Empire Vacuum Briske Connany. J. H. West, a messenger in Alliger's office, testified conterning money he had drawn on checks for Mr. B. agaton. The case will be summed up Monany.

DECISIONS-Nov. 26. me Court - Chambers - By Judge Donohue, et. Perkins, - Motion denied; the record shows take cass granted, and the party is not aword on it side of the record; metion denied with costs. Hu fanna - The apocal from the order can be heard ear ber, and it seems to me the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should have stignificant as the contract of the party should be contracted as the contract of the party should be contracted as the contract of the party should be contracted as the contract of the party is not seen to be contracted as the contract of the party is not seen to be contracted as the contracted as the

Weber, Motor depod. reence, Schmidt agt, Schmidt, Report of rel erm.- By Preading Judge Davis and Judges

ceeds as follows:

the matter of O'Reilly.—Gruer-reversed and proceedings remitted to Spons. Order reversed and proceedings remitted to Spons.

Order reversed and proceedings remitted to Spons.

Order reversed and proceedings remitted to Spons.

Order at firmed with \$10 costs and disbursements, the Court being unable to distinguish. In the matter of Livingston.—Driver reversed with \$10 costs and disbursements. In the matter of matter of Livingston.—Driver reversed with \$10 cost and disbursements. In the matter of Petton.—Order affirmed with \$10 costs and disbursements. In the matter of Petton.—Order affirmed with \$10 costs and disbursements. In the matter of Jevin.—Order affirmed, with \$10 costs and disbursements. In the matter of Jevin.—Order affirmed, with \$10 costs and disbursements. In the matter of Jevin.—Order affirmed, with \$10 costs and disbursements, on opinion in re Mainan and re Merriam. In the matter of Gans.—Order affirmed, with \$10 costs and disbursements, on opinion in re Mainan and re Merriam. In the matter of Constituted to the sponsor of the matter of the matter of the costs of the costs of the matter of the costs of the costs of the matter of the costs of the cos

Judges Brady, Earrett and Duniels, Sherman and an rast luman Steamship Company. Judgment reversed

and that the assets are less than \$2,000; that within six weeks prior to the assignment the firm sold \$21,000 in goods, all excepting \$6,000 of which was paid for by purchasers; that the goods of the firm were cent to Lawrence, K.m., where they were seized upon a confession of judgment by figurinal to Rosenberg & Co.; that the accounts of the fatter firm any been fore from the books of the failing firm, and that the books have been badly multilated.

It is chaimed by the plaintiffs that the defendants are concealing their real assets to defraud their creditors. The defendants gave the required bail.

THE RAILROAD UNDER BROADWAY.

George Ticknor Curtis appeared before the Supreme Court, General Torm, yesterday with an application for the appointment of commissioners in regard to the taking of property for the proposed Broadway to the taking of property for the proposed Broadway to the backing of property for the proposed Broadway.

Divorce grante :.

or. Hayt et a), agt. Godfrey -Serme
the neberned Low Dutch Curre

PROSPECTS FOR TENNESSEE BONDS

An important circular has been issued by the committee of Tennessee bondsolders, of which Euras Celly is chairman After congratulating the bond olders on the result of the recent election in that State, and on the marked progress made in the last three year in the development of its resources, the circular pro-

in the development of he resources, the excular proceeds as follows:

As one indication of the improved condition of affairs in Tennessee, your committee estimate that the value of radroad property in the State—when reflects ageneral prosperity as nearly as may be—bes at least doubled within the past three years. In a province circular we informed you that the committee owned and represented a large amount of lands which are not tens on the radroads, want reflect and reflect to fund on the terms then proposed, behaving that Tennessee could and would almae a buffer subsent with even ber unsecured creditors; and reess events fully justify that benef. In March, 1877, the bondholders generously offered to aquiesce in shat a known as 'the award of the Arburation Committee,' v.z.; 'T at the debt of the State of Tennesses outst to be readjusted by the issue of new bonds at the rate of 60 per cent of the total amount of the lebi and interest; the new bonds to bear interest at 6 per cent psychiosemianutally, and the coupons for interest to be made receivable for all taxes and dues to the State. The Legislature, then nearing the close of its remains session, and afterward, when convened in extra session, and afterward, when convened in the sense, was strongly urged by Governor Porter and the best portion of the Press and people of Tennessee, is accept and confirm a extrement on this basis as the best has wonth ever be offered in and by the great body of creditors. Other committee in the prominent member of the Arburtation Committee. A prominent member of the Arbitration Commin

been taken, and the eminent counsel employed by a committee express the greatest confidence in our a mate success.
Your committee deems it important to advise you that

PLEASANT APPRECIATION.

ITS INFLUENCE INCALCULABLE. THE NEW-YORK TRIBUNE to-day stands the front rank of American bewspapers, and the kepublican party has reason to thank it, in a creat messar, for the grand victory achieved on the 2d lost. Herait the Democracy such orelible blows all through the campaign as to make itself the target for all the smaller, Democratic newspapers of the country, but it comes on, as it all along preducted, on the winning side. Wells fall to excrees our admiration for THE TRAUKE II. etrculation is simply immense, and its inflamest during the late campaign is incatentable. There if any Republican papers and not a Democrati the land that is a marker to it in any particular.

STALWART AND CLIPABLE.

From The Hornell Times.

Said a visiting brother editor this morning:
"Why don't you save I he New York Thinkine for fluid
reference!" Our reply was: "Because we can't keep
our sensors out of it." And it's a fact. The THERYS is
the most olipable newspaper in America. And, nore
than that, The Thibune is fo-day the most stalwart Republican journal in the country. It stands like 8 ut,
head and shoulders above all the rest. The Thibune
generously gives the journals of the interior of the Stale
much credit for unusual ability and every displayed
during the last campaten. Doubtless much of theered
given is worthily bestowed; but it is a fact which be
Reouthlean journal in the interior will deny, that The
UNE ability and IRIBUNE enterprise formshed a lirat
part of the most effective amissimition used in the case
paign.

HONOI, TO WHOM HONOR IS DUE.

From The ML Vernon Chronicie.

Now that the victory is won and the smoke

Now that the victory is won and the smoke of battle cleared away, we can to k back and see jet where and how and by whom the victory was wo. First of all comes The New-York Tailsens head all shoulders above every other paper and every orate, no matter who he may be. It struck the key-not of the campaign, and above all the hoise and din of the struggic its clarton notes were always heard. It saw with eagle eye and the intentive swiftness of genis, what points in the enemy's line to attack and as General Hancock currendered position after position, which is fire made too hot for him to hold, it followed up its nevantage without a moment's hesitation and calcati fire made too hot for him to hold, it followed up its ab-vantage without a moment's hesitation and railantly charged the next fine of defence. Compared with Int TRIBUNE in this campaign, The Times was as the meis-choly Dane to Hercines. While The Times was carpag-at General Garfield's letter of acceptance, and shedded tears over General Grant's defeat. The TRIBUNE wil-leading on our hosts to victory. A more wish, wash, hypercritical, left-handed campaign was never waged by a leading Republican newspaper than that of The New-York Times. It was the Fitz John Porter salking in his tent because he couldn't have the leader of his choice and his own way.

Garfield is about the only canal-boatman who has pulled his boat through this year before the so closed in.—[Waterbury American.

Board and Rooms.

ELEGANTLY furnished rooms for gentle-men; private bathroom, &c.; highest reference et-changed 51 East 29th et. 14 EAST 30TH-ST.-A large second story 253 FIFTH-AVE., NEAR 28TH-ST-

Apartments for gentlemen, handsomely d at moderate prices; references required.

West Side. AN ENTIRE second floor to let with first class board; also a single room. 131 West Satisfied

WANTED.-Two gentleman boarders. In 45 WEST 35TH-ST.-A l rge room on to fourth floor to let with board. Also table beard.

125 WEST 42D-ST.—Beautiful rooms, Country Board.

SUNNY SIDE SANITARIUM.—A new winter resort for invalids; within six Fours of New York 1984 all the year; a mild and equacle climate; unsurpassed at purity and dryneas of atmosphere, heartfulness of lacials and beauty of scenery; a dry, gravelly soil; purest soft water on the south sate of mountain among wood which presed from storms. Sunrise and annest views, with nativities shine from our broad plateas. For particulars address shine from our broad plateas. For particulars address JAMES S. PRISSTON, M. D., Vinemont. Pen. Inclose stamp for circular.

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BUCKINGHAM HOTEL.

PIFTH AVENUE AND SOTH STREET, (Opposite Cathedral).

JOSLIN & FULLER, Proprietors This new and elegant house is delightfully situated is very centre of the most fashionable residences, charch schools, &c. near the Grand Central R. R. depot, within the uses' walk of the Elevated Road and Madison Avenue.

Ventilating, Heating, Plumbing and other samtary Patrouzed by the best Pamilies of Europe and America CONDUCTED ON THE EUROPEAN PLAN. Restaurant unsurpassed; charges reasonable.